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In re Application of	:	
Guido WAESCHENBACH, et al.	:	
Application No.: 09/744,726	:	
PCT No.: PCT/TR99/00034	:	DECISION DISMISSING
Int. Filing Date: 29 July 1999	:	
Priority Date: 29 July 1998	:	PETITION
Attorney's Docket No.: 11777-678001	:	
For: COMPOSITION FOR USE IN A DISHWASHING	:	UNDER 37 CFR 1.182
MACHINE	:	

This is in response to the Petition Under 37 CFR 1.182 filed 17 May 2001, requesting an inventor's change of name from Natascha WOLF to Natascha DASCHNER.

BACKGROUND

On 29 July 1999, applicants filed international application PCT/TR99/00034, which claims a priority date of 29 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 February 2000. A Demand for international preliminary examination, in which the United States was elected, was timely filed 28 February 2000. Accordingly, the thirty month period for paying the basic national fee in the United States, in accordance with 37 CFR 1.495(b), expired at midnight on 29 January 2001.

On 29 January 2001, applicants filed a transmittal letter for entry into the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). A declaration of inventors pursuant to 35 U.S.C. 371(c)(4) was submitted, but was unexecuted. No English translation of the international application as required by 35 U.S.C. 371(c)(2) accompanied this transmittal. However, on 14 February 2001, applicants submitted the English translation and the surcharge for filing the translation after thirty months from the priority date.

On 06 March 2001, the United States Designated/Elected Office (PTO) mailed applicants a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" (DO/EO/US) (Form PCT/DO/EO/905) indicating that the following items were required to be furnished: a translation of the application into English; the processing fee for providing the translation later than 30 months from the priority date; and an oath or declaration in compliance with 37 CFR 1.497(a) and (b). (The 14 February 2001 filing of the translation and surcharge had not yet been made of record in the application.) Attached to this notification was a "Notification of a Defective Oath or Declaration" (Form PCT/DO/EO/917) indicating that the declaration currently of record was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. Applicants were given a ONE (1) MONTH period from the mail date of the Notifications to properly respond, with extensions of time obtainable under 37 CFR 1.136(a).

On 04 April 2001, applicants filed three separate Combined Declaration and Power of Attorneys, signed in combination by all of the joint inventors, along with the requisite fee for filing the declarations later than thirty months from the priority date.

On 17 May 2001, applicants further responded filing a petition under §1.182 to change the name of inventor Natascha WOLF to Natascha DASCHNER.

DISCUSSION

MPEP section 605.04(c) provides that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The petition included payment of the appropriate petition fee of \$130.00.

In support of the petition, applicants submitted a declaration of inventor WOLF signed with both names, and stating that as a result of my marriage on 30 June 2000, my name has been changed from Natascha WOLF to Natascha DASCHNER.

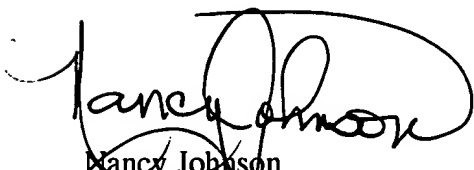
CONCLUSION

In view thereof, the petition under 37 CFR 1.182 requesting to change the name of inventor Natascha WOLF to Natascha DASCHNER is GRANTED.

However, a review of the Combined Declarations filed 04 April 2001, reveals that the two separate declarations signed by inventors WAESCHENBACH and CARBONELL, respectively, are defective. Both declarations are amended, indicating that the declaration presented to each inventor contained only 2 pages. Omitted page 3 contains the signature block for inventor WOLF. Thus, applicants have not submitted declarations by inventors WAESCHENBACH and CARBONELL identifying all of the original, first and joint inventors. Accordingly, a new oath or declaration in compliance with §1.497(a) and (b) is required.

The period for filing a new oath or declaration is within TWO (2) MONTHS from the mail date of this decision. Extensions of time under §1.136(a) are permitted. **Failure to timely submit the proper reply will result in abandonment of the application as to the United States.**

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) to await receipt of the required oath or declaration.



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